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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,986	07/31/2000	Charlton P. Nieves	CN-1	5557

7590

07/08/2004

Michael I Kroll
171 Stillwell Lane
Syosset, NY 11791

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/08/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,986

Applicant(s)

NIEVES, CHARLTON P.

Examiner

Nhan T. Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-32 is/are rejected.
- 7) ☒ Claim(s) 1-28 and 33-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 7/31/2000 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

2. Claim 22 is objected to because of the following informalities: the claim recites the limitation "the camera is housing is rotated" which is suggested to change to -- the camera housing is rotated --.

Claims 1, 26, 28, 32, 33 & 36 are objected because the claims recite the limitation "the activated motor" in the line beginning with "a motor." There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Regarding independent claims 1, 28, 29, 32, 33 & 36, the phrase "the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "the like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Regarding claims 2-25, 30-31, 34-35, the claims are rejected as being directly or indirectly dependent of claims 1, 29 and 33.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 29 – 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Manestar (US 5,992,247).

Regarding claim 29, Manestar discloses a device for placing and operating a viewing device on a remote surface (Fig. 1), comprising:

a housing (154), means (tilt motor 86 and rotate motor 84) for moving the housing to a generally upright position from a generally horizontal position, after the device has been

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propelled to a remote surface (pipeline surface), and supporting the housing in the upright position (Fig. 13); and means for movably securing the viewing device (camera 44) in the housing such that the viewing device is movable to a viewing position outside the housing (see Figs. 2, 10, 12 & 13; col. 8, lines 19-30 and col. 10, lines 39-47).

Regarding claims 30 & 31, Manestar discloses the rotating motor 84 and tilting motor 86 for a panoramic view and an inclined view, respectively (Figs. 10, 12, 13 and col. 10, lines 39-47).

Regarding claim 32, see the analysis of claim 29.

Allowable Subject Matter

5. Claims 1 – 28 and 33 – 36 are objected as being allowable if rewritten to overcome the 112 2nd paragraph rejection and objection above.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claims 1, 26 & 28, the prior art of record fails to teach or suggest the combination of limitations required in each of the independent claims 1, 26 & 28, including the limitations of a primary housing, the primary housing having a top end, the top end having an opening...at least three legs, each leg being connected to the primary housing, each leg further being movable between a first position, substantially adjacent the primary housing, and a second position, extending from the primary housing, such movement being in response to movement of

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the compression member; a leg securing member, the leg securing member being movable between a first position and a second position in response to motion of the compression member, the leg securing member securing at least one leg in the leg first position when the leg securing member is in the first position, the compression member being retained by such securement in the compressed position, the leg securing member further releasing the at least one leg when the leg securing member is in the second position, the compression member being released to decompress when the at least one leg is released, the compression causing the legs to move into the legs' second positions, such that the legs support the primary housing in a position which is generally upright;...means for activating and deactivating the motor...causing the leg securing member to move to the second position, which in turn causes the compression member to decompress, the compression causing the legs to move to the second position, such leg motion lifting the primary housing until it is supported by all the legs (or such leg motion righting the primary housing for claims 26 and 28), the compression also elevating the camera housing through the primary housing top opening...

Regarding independent claim 33, the claim is objected being allowable for the same reason as provided for claims 1, 26 and 28 with the terms "compression member", "decompression", "decompresses" being substituted by "load member", "unloading" and "unloads", respectively.

Regarding independent claim 36, the prior art of record also fails to teach or suggest the combination of limitations required in claim 36, including the limitations of a primary housing, the primary housing having a top end, the top end having an opening,...four legs, each leg being connected to the primary housing, each leg further being movable between a first position,

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substantially adjacent the primary housing, and a second position, extending from the primary housing, such movement being in response to movement of the compression member; a leg securing member, the leg securing member being movable between a first position and a second position in response to motion of the compression member, the leg securing member securing each leg in the leg first position when the leg securing member is in the first position, the compression member being retained by such securement in the compressed position, the leg securing member further releasing the at least one leg when the leg securing member is in the second position, the compression member being released to decompress when the at least one leg is released, the compression causing the legs to move into the legs' second positions, such that the legs support the primary housing in a position which is generally upright...a timer for activating and deactivating the motor, such that, after the device has been propelled on the remote surface, the motor is activated, causing the leg securing member to move to the second position, which in turn causes the legs to move to the second position, such leg motion lifting the primary housing until it is supported by all legs, the compression also elevating the camera housing through the primary top opening...

Regarding claims 2-25, 27 & 34-35, the claims are allowable as being dependent of either claims 1, 26 and 33.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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